

ORIGINAL

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the New Jersey Board
of Chiropractic Examiners
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

MAY 22 2008

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
	:	
JONATHAN LEIBEL, D.C.	:	PROVISIONAL ORDER
License No. 38MC00398200	:	OF DISCIPLINE
	:	
TO PRACTICE CHIROPRACTIC	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent, Jonathan Leibel, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On May 17, 2005, Respondent pleaded guilty to the crimes of Insurance Fraud 3rd Degree, in violation of Penal Law § 176.20, Grand Larceny, 3rd Degree, in violation of Penal Law § 155.35, and

Scheme to Defraud, 1st Degree, in violation of Penal Law §190.65 before Justice R. Hayes, a justice of the Supreme Court of the State of New York, New York County. (Copy of the Certificate of Disposition Indictment dated March 12, 2008, attached hereto as "Exhibit A.")

3. On February 22, 2008, Respondent was permitted by the court to withdraw his pleas of guilty to Insurance Fraud, 3rd Degree, and Grand Larceny, 3rd Degree. Respondent was sentenced on his remaining conviction of the crime of Scheme to Defraud, 1st Degree, to five (5) years probation, a fine of \$5,000.00, and restitution in the amount of \$50,000.00.

CONCLUSION OF LAW

1. The aforesaid conduct provides grounds for the revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f) and (e), in that Respondent has been convicted of an offense involving moral turpitude and which relates adversely to the practice of chiropractic; and has engaged in professional misconduct as determined by the Board.

ACCORDINGLY, IT IS on this 22nd day of May, 2008,
ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be, and hereby is provisionally revoked.

2. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Jonathan Eisenmenger, Executive Director, State Board of Chiropractic Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor, including any reasons for mitigation of the sanctions imposed.

4. In the alternative, Respondent may request a hearing. The request for a hearing must be made on or before 5:00 p.m. on the 30th business day following entry hereof, and should be accompanied by any submission of legal arguments(briefs, letter responses, etc.) and, with regard to motions, any certifications which the Board should consider prior to hearing this matter.

5. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by Respondent during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. However, the Board shall not be limited to the sanctions herein and may recoup the costs of the proceedings.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 

Albert Stabile, Jr., D.C.
Board President

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
100 CENTRE STREET
NEW YORK, NY 10013

FEE:\$10.00

CERTIFICATE OF DISPOSITION INDICTMENT

DATE: 03/12/2008

CERTIFICATE OF DISPOSITION NUMBER: 22381

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 01063-2005
LOWER COURT NUMBER(S):
DATE OF ARREST: 03/22/2005
ARREST #: M05000645
DATE OF BIRTH: 06/18/1963
DATE FILED: 03/16/2005

LEIBELL, JONATHAN

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 05/17/2005 THE ABOVE NAMED DEFENDANT WAS CONVICTED OF THE CRIME(S) BELOW BEFORE JUSTICE HAYES, R THEN A JUSTICE OF THIS COURT.

INSURANCE FRAUD 3rd DEGREE PL 176.20 00 DF
GRAND LARCENY 3rd DEGREE PL 155.35 00 DF
SCHEME TO DEFRAUD 1st DEGREE PL 190.65 1A EF

THAT ON 02/22/2008, UPON THE AFORESAID CONVICTION BY PLEA THE HONORABLE HAYES, R THEN A JUDGE OF THIS COURT, SENTENCED THE DEFENDANT TO

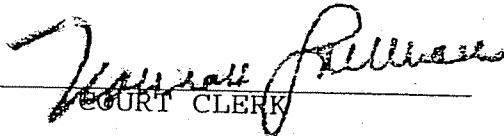
INSURANCE FRAUD 3rd DEGREE PL 176.20 00 DF
\$ = \$5,000
PROBATION = 5 YEAR(S)

GRAND LARCENY 3rd DEGREE PL 155.35 00 DF
PROBATION = 5 YEAR(S)

SCHEME TO DEFRAUD 1st DEGREE PL 190.65 1A EF
PROBATION = 5 YEAR(S)

RESTITUTION = \$50,000
TOTAL FINE = \$5,000 (PAID)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 03/12/2008.


COURT CLERK